

1 IN THE UNITED STATES DISTRICT COURT FOR THE  
 2 NORTHERN DISTRICT OF OKLAHOMA  
 3  
 4

5 W. A. DREW EDMONDSON, in his )  
 6 capacity as ATTORNEY GENERAL )  
 7 OF THE STATE OF OKLAHOMA and )  
 8 OKLAHOMA SECRETARY OF THE )  
 9 ENVIRONMENT C. MILES TOLBERT, )  
 10 in his capacity as the )  
 11 TRUSTEE FOR NATURAL RESOURCES )  
 12 FOR THE STATE OF OKLAHOMA, )

13 Plaintiff, )  
 14 )

15 vs. )

4:05-CV-00329-TCK-SAJ

16 TYSON FOODS, INC., et al, )  
 17 )

18 Defendants. )  
 19 -----  
 20

21 THE VIDEOTAPED 30(b)(6)  
 22 DEPOSITION OF GARY MURPHY, produced as a witness  
 23 on behalf of the Plaintiff in the above styled and  
 24 numbered cause, taken on the 30th day of July, 2007,  
 25 in the City of Fayetteville, County of Washington,  
 State of Arkansas, before me, Lisa A. Steinmeyer, a  
 Certified Shorthand Reporter, duly certified under  
 and by virtue of the laws of the State of Oklahoma.

**TULSA FREELANCE REPORTERS**  
**918-587-2878**

**EXHIBIT**

**4**

1 document, there are notations, interlineations to  
2 the contract that changes the terms and conditions;  
3 do you see those?

4 **A** Which page?

5 **Q** Page 10682. 01:20PM

6 **A** Okay. Okay.

7 **Q** Is University of Arkansas the only grower  
8 that's been entitled to make changes to the form of  
9 a contract for Simmons?

10 **A** Yes, sir. 01:20PM

11 **Q** And generally it's true, is it not, that  
12 Simmons doesn't negotiate the terms of its contracts  
13 with its contract growers?

14 **MR. McDANIEL:** Object to the form.

15 **A** That's true. 01:20PM

16 **Q** The very last page of this segment here, which  
17 is out of order, but the letter at the end of the  
18 contract, that's a letter to Jack Cowgur, who was I  
19 think you said the live production manager at that  
20 time; is that correct? 01:21PM

21 **A** I think that's right, yes.

22 **Q** Let's go on to the next contract. Bates range  
23 No. 12387 is the first page. If you go to the third  
24 page of that document, it appears to me to be some  
25 new language added to it. Under that Paragraph 8 01:21PM

**TULSA FREELANCE REPORTERS**  
**918-587-2878**